

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

REX CHAPPEL,

Plaintiff,

v.

C/O DICKERSON,

Defendant.

CASE NO. 1:96-cv-5576-AWI-DLB PC

ORDER RE PLAINTIFF'S MOTION FOR  
EXTENSION OF TIME TO FILE PRETRIAL  
STATEMENT AND MOTION FOR ORDER  
DIRECTING HIGH DESERT STATE PRISON  
TO ISSUE PLAINTIFF'S LEGAL PROPERTY

Docs. 131, 140, 142

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This case is scheduled for a telephonic pretrial conference on January 30, 2008 and a jury trial on March 18, 2008. Plaintiff was ordered to file a pretrial statement by December 30, 2007. On January 4, 2008, plaintiff filed a request for an extension of time to file his pretrial statement. Plaintiff also renews his request for an order directing the Warden of High Desert State Prison to allow plaintiff to have additional legal property so that he may prepare his case. Plaintiff states that he is not permitted to have all of the legal material that is necessary for him to file an adequate pretrial statement.

Plaintiff is advised that this Court has no jurisdiction over the Warden of High Desert State Prison. He is not a party to this action and an order mandating that plaintiff be allowed to possess additional legal property would not remedy any of the claims upon which this action proceeds. Consequently, the Court lacks jurisdiction to issue the orders sought by plaintiff.

Plaintiff should attempt to file his pretrial statement prior to the pretrial conference. Should

1 plaintiff do so, the Court will entertain plaintiff's request to consider the statement at the pretrial  
2 conference. Plaintiff may also provide information about his ability to prepare for trial at the pretrial  
3 conference.

4 IT IS SO ORDERED.

5 **Dated: January 11, 2008**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE